

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LISA LYNETTE BARBER and
JEFFREY P. BARBER a/k/a JEFF P. BARBER,

Defendants.

No. 1:15-CV-122

UNITED STATES OF AMERICA’S COMPLAINT TO FORECLOSE LIEN

The United States of America files this complaint pursuant to 18 U.S.C. §§ 3613 and 3664 and 28 U.S.C. §§ 2001-2003.

1. This is an action by the United States to foreclosure a federal lien and criminal judgment on certain real property. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1345, and venue is proper in this Court under 28 U.S.C. § 1391.

2. The United States seeks to recover an unpaid federal criminal restitution debt ordered against Lisa Lynette Barber in Criminal Case Number 1:14-CR-031-C (01), United States District Court, Northern District of Texas, by foreclosure of the federal lien and judgment encumbering Lisa Barber’s interest in the real property known as 1407 Fox Hollow Avenue, Amarillo, Texas 79108 (Fox Hollow Property).

3. The legal description of the Fox Hollow property is:

Lot 16, Block 1, Fox Hollow Unit No. 1, an Addition to the City of Amarillo, Potter County, Texas, according to the map or plat thereof recorded in Volume 3624, Page 576, Official Public Records of Potter County, Texas.

4. Defendant Lisa Lynette Barber is currently incarcerated at FMC Carswell, and may be served at FMC Carswell, Inmate No. 48308-177, Naval Air Station, J St. Bldg. 3000, Fort Worth, Texas 76127.

5. Defendant Jeffrey P. Barber a/k/a Jeff P. Barber is a resident of Amarillo, Texas, and may be served at 1407 Fox Hollow Avenue, Amarillo, Texas 79108.

6. Lisa Barber pled guilty to bank fraud, a violation of 18 U.S.C. § 1344, and was sentenced on November 14, 2014, to 41-months' imprisonment, five-years' supervised release, a mandatory special assessment of \$100.00, and restitution in the amount of \$1,095,540.50. (Pl.'s App. Tab A.)

7. Lisa Barber has been credited with payments totaling \$40,010.63, so her restitution balance is \$1,055,629.87, as of June 10, 2015. (Pl.'s App. Tab B.)

8. Upon sentencing, an Internal Revenue Service tax-type lien was imposed on all of Lisa Barber's property and rights to property. *See* 18 U.S.C. § 3613(c). The United States Department of Justice filed a notice of lien in the official records of Potter County, Texas on November 24, 2014, to perfect its lien against Lisa Barber, and this lien encumbers the Fox Hollow Property. (Pl.'s App. Tab C.)

9. A Warranty Deed was recorded in the official records of the Potter County Clerk on June 16, 2014, transferring the Fox Hollow Property from Dominion Homes, L.P. to Jeffrey Barber, Lisa Barber's spouse. (Pl.'s App. Tab D.) Jeffrey Barber purchased the Fox Hollow Property with proceeds from the sale of 5327 Longshore Drive, Big Spring, Texas (Big Spring Property), which was titled to Jeffrey and Lisa Barber at the time of sale. Jeffrey and Lisa Barber sold the Big Spring Property after Lisa had been charged with bank fraud in Criminal Case Number 1:14-CR-031-C(01). Lisa Barber, however, retains her community property interest in the Fox Hollow Property under Texas state law, and the United States' lien for criminal restitution is the only lien currently encumbering the Fox Hollow Property.

The United States, therefore, respectfully requests the following relief:

A. That this Court order the foreclosure of the federal lien and judgment and order the Fox Hollow Property sold, free and clear of all liens, claims and encumbrances;

B. That the proceeds of such sale be distributed in the following order:

(1) costs and expenses incurred in connection with the sale of the property, including payment of all delinquent property taxes due and owing to Potter County up to the time of sale; and

(2) the remainder to the United States in partial satisfaction of Lisa Barber's outstanding restitution debt in Criminal Case Number 1:14-CR-031-C(01); and

C. That the United States be granted such other and further relief as the Court deems just and proper.

Respectfully submitted,

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